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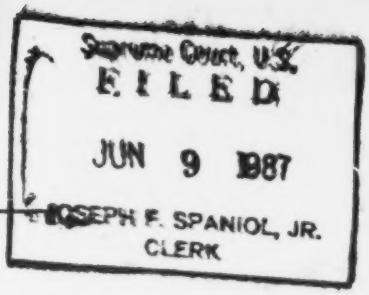

NO.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1987

EDGAR PERRY,

Petitioner,

v.

DEONORA RAPOSO, aka PEDRO,

Respondent,

PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE NINTH DISTRICT

Edgar Perry, in pro. se.
2540 Market Avenue
San Pablo, California 94806-
-4542
(415) 234-1392 or 222-5398
(11;00 to 4:00 p.m. PST)

QUESTION PRESENTED FOR REVIEW

Whether a private citizen may abridge a constitutional right of another citizen, to witt: If the respondent had the right to infringe upon the petitioner's second amendment and thus take away his hand gun and his constitutional right to bear arms.

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TABLE OF AUTHORITIES

People v. Liss, 1950, 94 N. E. 2d 320, 406 Ill. 419

State v. Dawson, 1969, 159 S. E. 2d 1, 272 N. C. 535

Opinion of Justices, 1859, 14 Gray, Mass. 620

Hutchin v. Rosetti, 1960, 205 N. Y. 2d 526, 24 Misc. 2d 949

Eckert v. City of Philadelphia, D. C. P. A. 1971, 329 F. Supp. 845

The petitioner, Edgar Perry, respectfully prays that a writ of certiorari be issued to review the judgement and opinion of the United States Court of Appeals for the Ninth Circuit entered on March 20, 1987.

OPINION BELOW

On March 20, 1987, the Court of Appeals entered an order affirming the judgement of the District Court, summarily, to abridge petitioner's second amendment right to bear arms dictated upon him by another private citizen.

JURISDICTION

The jurisdiction of this court is invoked under the Second Amendment of the United States Constitution.

STATUTES INVOLVED

The statutory provision of this petition is Rule 17 (c).

STATEMENT OF THE CASE

The Court of Appeals did not consider the constitutionality of the appellant/petitioner's second amendment right to bear arms, infringed upon him by respondent when she, his ex-wife, took his hand gun, registered under his name and under his responsibility to account for at all times for any possible use, away from him, depriving him of personal and assets protection in a city notorious for its crime rate (Oakland, California); nor did the Court of Appeals consider the presented question of funds due petitioner and arising from a divorce in the State's courts; the Court of Appeals instead reviewed the action as a matter of constitutionality of the second amendment of a private citizen versus the government, not at the light of a private citizen versus another; if the Constitution means the second amendment to represent the right of the citizenary to bear arms for militia purposes, said amendment did not imply a citizen, when qualified, would be deprived of the right to have a hand gun for own protection and nonetheless by another citizen, which would be significant of denialpf any other constitutional right and life saving devices from one citizen to another; the only opposed

party in this action is, with no contest or legal representation offered, the respondent.

ARGUMENT

I. THE NINTH CIRCUIT'S "JUDGEMENT OF THE DISTRICT COURT IS SUMMARILY AFFIRMED" ABRIDGES PETITIONER'S CONSTITUTIONAL SECOND AMENDMENT RIGHT AND CONDONES A PRIVATE CITIZEN TO TAKE AWAY CONSTITUTIONAL RIGHTS IN CONFLICT WITH HUTCHIN V. ROSETTI, 1960 N. Y. 2d 526, 24 Misc. 2d 949

This Court upheldes several times the fact that a private citizen has no right to take away another citizen constitutional rights(Hutchin v. Rosetti, 1960 N. Y. 2d 526, 24 Misc. 2d 949), which would be significant of denial of life saving devices.

Also, in People v. Liss, 1950, 94 N. E. 2d 320, 406 Ill. 419 and State v. Dawson, 1968, 159 S. E. 2d 1, 272 N. C. 535 and Opinion of Justices 1859 14 Gray, Mass. 620 and Eckert v. City of Philadelphia, D. C. P. A. 1971, 329 F. Supp. 845 this Court held that a private citizen to have a hand gun for personal protection and in this action the gun was registered under his name and any acts commit ed with it would be of his responsibility.

CONCLUSION

The issue in this action is if a private citizen is allowed to take away another citizen constitutional rights and in the course of such deprive said citizen of the right to defend his own life in a city notorious for its crime rate, not to mention his belongings (specially because the household was just having been burglarized), and why the Ninth Circuit Court of Appeals did not address the question of restitution of funds [illegible] petitioner by respondent from a divorce.

Without the granting of certiorari to review this case the decision in all mentioned similar cases will continue to be weakened. If the Ninth Circuit decision is allowed to stand any citizen will be able to take another citizen's life away under the argument that constitutional rights are not valid anylonger.

Respectfully submitted,

Edgar Perry, in pro. se.
3540 Market Avenue
San Pablo, California 94806-4547
(415) 234-1392 or 222-5398 (11:00 to 4:00 p. m. PST)

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EDGAR PERRY,	)No. 86-2327
	)
Plaintiff-Appellant,	)DC# CV-86-3736-JPV
	)
vs.	)Northern California
	)
DEONORA RAPOSO, a/k/a Pedro,	) (San Francisco)
	)
Defendant-Appellee.	)ORDER

Before: GOODWIN, SCHROEDER AND POOLE, Circuit Judges

The judgement of the district court is summarily affirmed. See United States v. Hooton, 693 F. 2d 857 (9th Cir. 1982); Page v. United States, 356 F. 2d 337 (9th Cir. 1966).

LaCal 3/9/87

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

EDGAR PERRY, Plaintiff,	)	C 86-3736 JPV
vs.	)	ORDER OF DISMISSAL
DEONORA RAPOSO, Defendant.	)	

On July 7, 1986, plaintiff Edgar Perry instituted the above captioned lawsuit against his alleged ex-wife. The complaint itself is somewhat unintelligible with respect to the nature of the claim(s), although it appears that plaintiff is disputing certain aspects of the property settlement which followed his divorce from the defendant. One conclusion, however, which is clearly supported from a reading of the complaint is that plaintiff has not alleged, nor does there appear to be any proper basis for, federal subject matter jurisdiction. See Rule 12(b)(1) of the Federal Rules of Civil Procedure. Accordingly,

IT IS HEREBY ORDERED that the above entitled action be, and is, DISMISSED.

Date: Jul 15 1986 J. P. Vukasin, Jr., JUDGE

UNITED STATES DISTRICT COURT

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

NO. _____

EDGAR PERRY,

PETITIONER,

V.

DEONORA RAPOSO, aka PEDRO,

RESPONDENT.

PROOF OF SERVICE

STATE OF CALIFORNIA)
) s.s.:
COUNTY OF CONTRA COSTA)

ISAURA GRACINDA MOREIRA DE CARVALHO, after being duly sworn, disposes and says that pursuant to Rule 28.4(a) of this Court she served the within PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE NINTH CIRCUIT on counsel for the Respondent by enclosing a copy thereof in an envelope, first class postage prepaid, addressed to:

Deonora Pedro
5435 McBryde Avenue
Richmond, California 94806

and depositing same in the United States mail at San

Pablo, California, on 27th June 1987.

Isaura Gracinda Moreira de Carvalho

Isaura Gracinda Moreira de Carvalho,
Affiant

Subscribed and Sworn to Before Me

This 27th day of June 1987.

Notary Public in and For Said

County and State

OFFICIAL SEAL
ALBERTO S LEMOS
NOTARY PUBLIC - CALIFORNIA
CONTRA COSTA COUNTY
My comm. expires DEC 11, 1990